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### REMARKS

This response is intended as a full and complete response to the final Office Action mailed July 26, 2005. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected. By this response, claims 1, 4-7 10, 16 and 20 are amended. Claims 2-3, 8-9, 11-15, 17-19 and 21 continue unamended.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### REJECTIONS

#### **35 U.S.C. §102 Rejections**

##### Claims 1-21

The Examiner has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by Maddocks et al. (U.S. Patent US 6,483,616 B1, hereinafter "Maddocks"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites (Independent claims 10, 16 and 20 recite similar limitations):

"A method, comprising:  
reducing the power level of an optical signal propagating in  
an optical fiber path in response to the absence of a counter-  
propagating supervisory signal in the optical fiber path."

As stated in the previous responses, the present invention employs a counter-propagating supervisory signal 114. It travels in the opposite direction of the optical signal within the same optical fiber. As can be seen in Figure 2, a supervisory signal 114 is transmitted between end terminals 102 through optical

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fiber 110 such that the supervisory signal counter-propagates with the optical data signal 112. That is, the supervisory signal 114 propagates along optical fiber 103 or 107 against the optical data signal 112. (See page 4, line 30 to page 5, line 1).

The Maddocks reference specifically discloses from column 2, lines 56-62:

The fibre 5 carries a unidirectional signal from switching unit 1 to switching unit 2. The similar optical fibre 6 carries a unidirectional signal from switching unit 2 to switching unit 1, and it has associated with it an amplifier 15, supervisory insert unit 16, optical couplers 32 and 33, supervisory extract unit 17 and amplifier 18 in an analogous manner.

As shown in FIG. 2, described in the reference, and paraphrased by the Examiner on page 6 of the present action, Maddocks has two unidirectional optical paths fiber 5 and fiber 6 traveling in opposite direction of each other. However, within each path, the supervisory signal travels along the optical path in the same direction as the optical signal as co-propagating signal. Nowhere in Maddocks is there any teaching, or even suggestion, of a counter-propagating supervisory signal within the same optical fiber path.

Maddox uses a co-propagating supervisory signal and does not disclose a counter-propagating supervisory signal. In Maddocks, all the signals within a transmission path travels in the same direction (emphasis added). A bi-directional communications system does not disclose counter-propagation when no optical signals are traveling against another optical signal in the opposite direction within the same optical fiber. Counter-propagating faces different technical challenges and has added benefits than just adding a transmission line in the opposite direction. The reading of the limitation of any bidirectional communication as counter-propagating is unreasonable because the limitations have to be read in light of the specification. Therefore, the Maddocks reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, Applicants submit that independent claims 1, 10, 16 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are

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patentable thereunder. Furthermore, claims 2-9, 11-15, 17-19 and 21 depend, either directly or indirectly, from independent claims 1, 10, 16 and 20 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### CONCLUSION

Thus, Applicant submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

10/26/05

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